summary seizure of copies of the book as 'labeling' of a commercial product violates the constitutional guarantee of freedom of the press. The Administrator by resorting to the seizure provisions of the Act does not undertake to interfere with the publication or circulation of the publisher's book. The seizure has not interfered with the bona fide sale of the book. The publisher may continue to sell its books wherever it finds a market, even in food stores, and even in stores where 'Plantation' blackstrap molasses is sold. The seizure relates not to books offered for bona fide sale but to copies of the book claimed to be offending against the Act by being associated with the article 'Plantation' Blackstrap Molasses in a distribution plan in such a way as to misbrand the product.

"Motion denied. It is hereby so ordered."

On September 10, 1951, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the property, consisting of the molasses and the copies of the book under seizure, be distributed to various charitable organizations.

DRUGS FOR VETERINARY USE

3659. Adulteration and misbranding of Antihep tablets. U. S. v. 23 Bottles * * *. (F. D. C. No. 31946. Sample No. 3574-L.)

LIBEL FILED: On or about October 26, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about August 13, 1951, by the Hopkins & Hopkins Pharmaceutical Co., from Philadelphia, Pa.

PRODUCT: 23 1,000-tablet bottles of *Antihep tablets* at Chestertown, Md. Analysis showed that the product contained not more than 1.23 grains of 2-amino-5-nitrothiazole per tablet.

LABEL, IN PART: (Bottle) "1000 Soluble Antihep Tablets Each Tablet Contains: 2 Grains 2-Amino-5-Nitrothiazole For Prevention and Control of Blackhead (enterohepatitis) in Turkeys."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, "2 Grains 2-Amino-5-Nitrothiazole."

Misbranding, Section 502 (a), the label statement "Each Tablet Contains: 2 Grains 2-Amino-5-Nitrothiazole" was false and misleading since the article contained less than 2 grains of 2-amino-5-nitrothiazole per tablet.

DISPOSITION: January 21, 1952. Hopkins & Hopkins Pharmaceutical Co., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling in conformity with the law, under the supervision of the Federal Security Agency, conditioned that the product be delivered to a research institute for investigational use in the treatment of blackhead disease of turkeys.

3660. Misbranding of Hite's Super Culture. U. S. v. 24 Bags * * *. (F. D. C. No. 30825. Sample No. 18913-L.)

LIBEL FILED: February 15, 1951, District of Minnesota.

ALLEGED SHIPMENT: The drug was shipped on or about November 3, 1950, by the Super Culture Sales Co., manufacturer and seller of the drug, from Sioux City, Iowa. A number of circulars entitled "Super Culture Feed" were delivered to the dealer on or about October 1, 1950, by Will Hite, one of the officers and stockholders of the manufacturer and seller.

PRODUCT: 24 bags, each containing 100 pounds, of *Hite's Super Culture* at Mapleton, Minn., together with a number of circulars entitled "Super Culture Feed."

LABEL, IN PART: "Hite's Super Culture * * * Ingredients – Yeast, Corn Oil Meal, Wheat Mids, Rye Mids, Oil Meal, Salt, Soda, Hylactic Yeast and Iron Oxide."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since these statements represented and suggested that the article was effective for the treatment of "necro" (necrotic enteritis) in pigs and hogs, whereas the article was not effective for the treatment of this condition.

DISPOSITION: September 15, 1951. Rolla E. Zimmerman, Mapleton, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3641 TO 3660

PRODUCTS

[1] (3658) Seizure contested. Contains opinions of the court.
[2] (3652, 3653, 3656) Prosecution contested.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3661–3680

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., *June 16, 1952.*

CONTENTS*

*For presence of a habit-forming narcotic without warning statement, see No. 3665; omission of, or unsatisfactory, ingredients statements, Nos. 3665, 3675; failure to bear a label containing an accurate statement of the quantity of the contents, No. 3665; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 3665.

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